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EXAMINER

KOENIG, ANDREW Y

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/556,875

Applicant(s)

HENDRICKS ET AL.

Examiner

Andrew Y. Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 38-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 38-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 and 38-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 38, 40-41, 43-47, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276) in view of U.S. Patent 6,058,424 to Dixon et al. (Dixon) and U.S. Patent Application Publication to Boyer et al. (Boyer).

Regarding claim 1, Banker '276 teaches generating program data related to the broadcast programming (fig. 6A, 6B, 7A, 7B) inserted at the data controller (fig. 1, label 20, col. 4, ll. 9-18), which is transmitted to the end users as shown in figure 1 and displayed at the user location (fig. 6A, 6B, 7A, 7B). Further, Banker '276 teaches the billing computer (fig. 1, label 11) which sends an authorization transaction to the subscribers (col. 3, ll. 34-45), which is initiated by the user requesting a program order designating at least one program to be viewed (col. 10-11, ll. 66-22); the broadcaster

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transmits the program and program authorization multiplexed together (fig. 1, col. 3 ll. 46-64).

Banker '276 is silent on digital programming; Dixon teaches the use of digital programming (col. 3, ll. 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using digital programming as taught by Dixon in order to increase bandwidth of a given physical channel thereby enabling a higher data throughput.

Banker '276 teaches an IPPV processor (14) and a telephone processor (16) which equates to a scheduling site, wherein the scheduling site receives program selection and sends an authorization request to an order and authorization system (system manager 12), further, the system manager (12) (claimed order and authorization system) generates an authorization signal while the billing computer (12) receives the authorization signal to generate a billing record (col. 3, ll. 43-45, col. 4, ll. 45-57). Banker '276 teaches a scheduling site, but is silent on a scheduling web site. Dixon teaches selecting an asset (VOD presentation) from an HTML page located remotely on a Presentation formatter server 207 (col. 5, ll. 17-25, col. 5, ll. 43-55), which equates to a scheduling web site. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using a scheduling web site as taught by Dixon in order to provide an alternative interface for the user to access programming.

Banker '276 and Dixon are silent on the scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for

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the subscriber. In analogous art, Boyer teaches a web site for scheduling events such as pay-per-view (fig. 31, pg. 6, para. 0131, 0133) and capable of providing a customized electronic program guide (pg. 6, para. 0087) and recognizing the subscriber (pg. 6, para. 0098). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Dixon by using a scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber as taught by Boyer in order to providing information when the user is not located at their device (Boyer: pg. 1, para. 0013) while supporting customized information and access to supplemental content (Boyer: pg. 1, para. 0017).

Regarding claim 38, Banker '276 teaches a headend controller (22), which reads on a network controller, receiving the authorization signal from the system controller (claimed order and authorization system), wherein the headend controller generates a local authorization code in that it controls the scramblers (26, 28) (col. 3, ll. 49-57, col. 4, ll. 9-13, col. 4, ll. 50-57).

Regarding claim 40, Banker '276 teaches receiving authorization requests from upstream and telephone transactions (col. 4, ll. 50-57).

Regarding claim 41, the combination of Banker '276 and Dixon teaches accessing the Internet, but is silent on the means to communicate with the Internet. Boyer teaches means to communicate with the Internet, such as a modem (pg. 3, para. 0055). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by providing a means to

communicate with the Internet in order to access information and provide additional information to the user.

Regarding claim 43, Banker '276 teaches generating program data related to the broadcast programming (fig. 6A, 6B, 7A, 7B) inserted at the data controller (fig. 1, label 20, col. 4, ll. 9-18), which is transmitted to the end users as shown in figure 1 and displayed at the user location (fig. 6A, 6B, 7A, 7B). Further, Banker '276 teaches the billing computer (fig. 1, label 11) which sends an authorization transaction to the subscribers (col. 3, ll. 34-45), which is initiated by the user requesting a program order designating at least one program to be viewed (col. 10-11, ll. 66-22); the broadcaster transmits the program and program authorization multiplexed together (fig. 1, col. 3 ll. 46-64).

Banker '276 is silent on digital programming; Dixon teaches the use of digital programming (col. 3, ll. 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using digital programming as taught by Dixon in order to increase bandwidth of a given physical channel thereby enabling a higher data throughput.

Banker '276 teaches an IPPV processor (14) and a telephone processor (16) which equates to a scheduling site, wherein the scheduling site receives program selection and sends an authorization request to an order and authorization system (system manager 12), further, the system manager (12) (claimed order and authorization system) generates an authorization signal while the billing computer (12) receives the authorization signal to generate a billing record (col. 3, ll. 43-45, col. 4, ll.

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45-57). Banker '276 teaches a scheduling site, but is silent on a scheduling web site.

Dixon teaches selecting an asset (VOD presentation) from an HTML page located remotely on a Presentation formatter server 207 (col. 5, ll. 17-25, col. 5, ll. 43-55), which equates to a scheduling web site. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using a scheduling web site as taught by Dixon in order to provide an alternative interface for the user to access programming.

Banker '276 and Dixon are silent on the scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber. In analogous art, Boyer teaches a web site for scheduling events such as pay-per-view (fig. 31, pg. 6, para. 0131, 0133) and capable of providing a customized electronic program guide (pg. 6, para. 0087) and recognizing the subscriber (pg. 6, para. 0098). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Dixon by using a scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber as taught by Boyer in order to providing information when the user is not located at their device (Boyer: pg. 1, para. 0013) while supporting customized information and access to supplemental content (Boyer: pg. 1, para. 0017).

Regarding claim 44, the combination of Banker '276, Dixon, and Boyer has been discussed in claim 1, the combination teaches the scheduling web site is an Internet web site (Boyer: pg. 1, para. 0010).

Regarding claim 45, the combination of Banker '276, Dixon, and Boyer has been discussed in claim 1, the combination teaches recognizing the subscriber using subsequent visits, which inherently has some form of user identification (Boyer: pg. 6, para. 0098).

Regarding claim 46, the combination of Banker '276, Dixon, and Boyer has been discussed in claim 1, the combination teaches recognizing the subscriber, but is silent on requiring the user to log into the web site. Official Notice is taken that requiring the user to log into the web site is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276, Dixon, and Boyer by logging into a web site in order to verify the user and securely send data to the appropriate person.

Regarding claim 47, the combination of Banker '276, Dixon, and Boyer has been discussed in claim 1, the combination teaches customizing, but is silent on switching between a generic program guide and a custom program guide. Official Notice is taken that switching between a generic and custom program guide is well known in the art, such as used with favorite channels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276, Dixon, and Boyer by switching between a generic and custom program guide in order to enable the user to easily accessed desirable programming along with browsing a complete list.

Regarding claims 49-51, the combination of Banker '276, Dixon, and Boyer is silent on customizing according previously ordered programs and programs watched data. Official Notice is taken that customizing according previously ordered programs



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and programs watched data and storing specific information in the set top terminal is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276, Dixon, and Boyer by customizing according previously ordered programs and programs watched data and storing specific information in the set top terminal (such as ordered programming or programs watched) in order to use data from the user and provide similar programming thereby facilitating the user in selecting programming.

4. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon), and U.S. Patent Application Publication to Boyer et al. (Boyer) in view of U.S. Patent 5,539,450 to Handelsman.

Regarding claim 2, Banker '276 teaches billing the user (col. 4, ll. 40-57), but is silent on debiting the subscriber's account. Handelsman teaches a smart card containing the subscriber accounting data (col. 14, ll. 44-47), wherein Handelsman teaches debiting the user account (col. 22-23, ll. 54-11, see also fig. 25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by debiting the subscriber account as taught by Handelsman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 3, Banker '276 teaches billing the user (col. 4, ll. 40-57), but is silent on sending the billing record to a subscriber for payment. Handelsman teaches a smart card containing the subscriber accounting data (col. 14, ll. 44-47), wherein

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Handelman teaches debiting the user account (col. 22-23, ll. 54-11, see also fig. 25), which equates to sending the billing record to a subscriber for payment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by sending the billing record to a subscriber for payment as taught by Handelman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 4, Banker '276 teaches billing the user (col. 4, ll. 40-57), but is silent on charging a credit card. Handelman teaches charging a credit card (col. 10, ll. 5-10, col. 22, ll. 47-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by charging a credit card as taught by Handelman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 5, Banker '276 teaches billing the user (col. 4, ll. 40-57), but is silent on debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal. Handelman teaches a smart card containing the subscriber accounting data (col. 14, ll. 44-47), wherein Handelman teaches debiting the user account (col. 22-23, ll. 54-11, see also fig. 25) by a signal transmitted to the receiver (col. 21-22, ll. 66-13), which equates to debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal as

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taught by Handelman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 6, Banker '276 teaches billing the user (col. 4, ll. 40-57), but is silent on a cash card part of a smart card. Handelman teaches a cash card part of a smart card (col. 14, ll. 44-47, col. 22-23, ll. 54-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using a cash card part of a smart card as taught by Handelman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 7, Banker '276 teaches a credit signal to a terminal upon receipt of payment from the subscriber (fig. 6B, figure A24, col. 11, ll. 2-22).

5. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276) in view of U.S. Patent 6,058,424 to Dixon et al. (Dixon), U.S. Patent Application Publication to Boyer et al. (Boyer) and U.S. Patent 5,412,720 to Hoarty et al. (Hoarty).

Regarding claim 8, Banker '276 teaches generating program data related to the broadcast programming (fig. 6A, 6B, 7A, 7B) inserted at the data controller (fig. 1, label 20, col. 4, ll. 9-18), which is transmitted to the end users as shown in figure 1 and displayed at the user location (fig. 6A, 6B, 7A, 7B). Further, Banker '276 teaches the billing computer (fig. 1, label 11) which sends an authorization transaction to the subscribers (col. 3, ll. 34-45), which is initiated by the user requesting a program order

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designating at least one program to be viewed (col. 10-11, ll. 66-22); the broadcaster transmits the program and program authorization multiplexed together (fig. 1, col. 3 ll. 46-64).

Banker '276 is silent on digital programming; Dixon teaches the use of digital programming (col. 3, ll. 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using digital programming as taught by Dixon in order to increase bandwidth of a given physical channel thereby enabling a higher data throughput.

Banker '276 teaches an IPPV processor (14) and a telephone processor (16) which equates to a scheduling site, wherein the scheduling site receives program selection and sends an authorization request to an order and authorization system (system manager 12), further, the system manager (12) (claimed order and authorization system) generates an authorization signal while the billing computer (12) receives the authorization signal to generate a billing record (col. 3, ll. 43-45, col. 4, ll. 45-57). Banker '276 teaches a scheduling site, but is silent on a scheduling web site. Dixon teaches selecting an asset (VOD presentation) from an HTML page located remotely on a Presentation formatter server 207 (col. 5, ll. 17-25, col. 5, ll. 43-55), which equates to a scheduling web site. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using a scheduling web site as taught by Dixon in order to provide an alternative interface for the user to access programming.

Banker '276 and Dixon are silent on the scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber. In analogous art, Boyer teaches a web site for scheduling events such as pay-per-view (fig. 31, pg. 6, para. 0131, 0133) and capable of providing a customized electronic program guide (pg. 6, para. 0087) and recognizing the subscriber (pg. 6, para. 0098). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Dixon by using a scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber as taught by Boyer in order to providing information when the user is not located at their device (Boyer: pg. 1, para. 0013) while supporting customized information and access to supplemental content (Boyer: pg. 1, para. 0017).

Banker '276 is silent on decrypting the program. Hoarty teaches decrypting programming after being received by the receiver (col. 11, ll. 28-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by decrypting the encrypted programming as taught by Hoarty in order to protect programming from being viewed by unauthorized persons.

Regarding claim 14, Banker '276 teaches the broadcaster is co-located with the order and authorization system (fig. 1, col. 3-4, ll. 65-8, col. 10-11, ll. 66-22).

6. Claims 9, 10, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon), U.S. Patent Application Publication to Boyer et al.

(Boyer), and U.S. Patent 5,412,720 to Hoarty et al. (Hoarty) in view of U.S. Patent 5,539,450 to Handelsman.

Regarding claim 9, Banker '276 teaches billing the user (col. 4, ll. 40-57), but Banker '276 and Hoarty are silent on debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal. Handelsman teaches a smart card containing the subscriber accounting data (col. 14, ll. 44-47), wherein Handelsman teaches debiting the user account (col. 22-23, ll. 54-11, see also fig. 25) by a signal transmitted to the receiver (col. 21-22, ll. 66-13), which equates to debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Hoarty by debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal as taught by Handelsman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 10, Banker '276 teaches billing the user (col. 4, ll. 40-57), but Banker '276 and Hoarty are silent on a cash card part of a smart card. Handelsman teaches a cash card part of a smart card (col. 14, ll. 44-47, col. 22-23, ll. 54-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Hoarty by using a cash card part of a smart card as taught by Handelsman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 11, Banker '276 is silent on the cash card being removable or fixed to the smart card. Handelman teaches a cash card part of a smart card (col. 14, ll. 44-47, col. 22-23, ll. 54-11), which equates to a cash card being fixed to the smart card. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using a cash card part of a smart card I as taught by Handelman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 15, Banker '276 is teaches a credit signal to a terminal upon receipt of payment from the subscriber (fig. 6B, figure A24, col. 11, ll. 2-22).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon), U.S. Patent Application Publication to Boyer et al. (Boyer) and U.S. Patent 5,412,720 to Hoarty et al. (Hoarty) in view of U.S. Patent 4,686,564 to Masuko et al. (Masuko).

Regarding claim 12, Banker '276 teaches canceling a program prior to the showing of the program (col. 10, ll. 25-33), which equates to a time out feature is effective for a time prior to the start of the program. Banker '276 is silent on a time out feature that allows cancellation of the program order without incurring charge, wherein the time-out feature is effective for a time after the start of the program. Masuko teaches canceling a program without incurring a charge, wherein the time out feature is effective for a time after the start (col. 18, ll. 23-55). Therefore, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by permitting the user to cancel after the start of the programming as taught by Masuko in order to provide for a more friendly user interface and system.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon), U.S. Patent Application Publication to Boyer et al. (Boyer), U.S. Patent 5,412,720 to Hoarty et al. (Hoarty), and U.S. Patent 4,686,564 to Masuko et al. (Masuko) in view of U.S. Patent 5,734,853 to Hendricks et al. (Hendricks '853).

Regarding claim 13, Banker '276 and Masuko are silent on the time after the start of the program being 5 minutes. Hendricks '853 teaches the time after the start being 5 minutes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Masuko by permitting the user to cancel 5 minutes after the start of the programming as taught by Hendricks '853 in order to provide a uniform standard of time for the user to cancel out, thereby enabling the user to opt of programming within a known period of time.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276) in view of U.S. Patent 6,058,424 to Dixon et al. (Dixon), U.S. Patent Application Publication to Boyer et al. (Boyer), and U.S. Patent 5,317,391 to Banker et al. (Banker '391).



Regarding claim 16, Banker '276 teaches generating program data related to the broadcast programming (fig. 6A, 6B, 7A, 7B) inserted at the data controller (fig. 1, label 20, col. 4, ll. 9-18), which is transmitted to the end users as shown in figure 1 and displayed at the user location (fig. 6A, 6B, 7A, 7B). Further, Banker '276 teaches the billing computer (fig. 1, label 11) which sends an authorization transaction to the subscribers (col. 3, ll. 34-45), which is initiated by the user requesting a program order designating at least one program to be viewed (col. 10-11, ll. 66-22); the broadcaster transmits the program and program authorization multiplexed together (fig. 1, col. 3 ll. 46-64).

Banker '276 is silent on digital programming; Dixon teaches the use of digital programming (col. 3, ll. 12-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using digital programming as taught by Dixon in order to increase bandwidth of a given physical channel thereby enabling a higher data throughput.

Banker '276 teaches an IPPV processor (14) and a telephone processor (16) which equates to a scheduling site, wherein the scheduling site receives program selection and sends an authorization request to an order and authorization system (system manager 12), further, the system manager (12) (claimed order and authorization system) generates an authorization signal while the billing computer (12) receives the authorization signal to generate a billing record (col. 3, ll. 43-45, col. 4, ll. 45-57). Banker '276 teaches a scheduling site, but is silent on a scheduling web site. Dixon teaches selecting an asset (VOD presentation) from an HTML page located

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remotely on a Presentation formatter server 207 (col. 5, ll. 17-25, col. 5, ll. 43-55), which equates to a scheduling web site. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using a scheduling web site as taught by Dixon in order to provide an alternative interface for the user to access programming.

Banker '276 and Dixon are silent on the scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber. In analogous art, Boyer teaches a web site for scheduling events such as pay-per-view (fig. 31, pg. 6, para. 0131, 0133) and capable of providing a customized electronic program guide (pg. 6, para. 0087) and recognizing the subscriber (pg. 6, para. 0098). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Dixon by using a scheduling web site capable of recognizing the subscriber and providing an electronic program guide customized for the subscriber as taught by Boyer in order to providing information when the user is not located at their device (Boyer: pg. 1, para. 0013) while supporting customized information and access to supplemental content (Boyer: pg. 1, para. 0017).

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon), U.S. Patent Application Publication to Boyer et al. (Boyer), and U.S. Patent 5,317,391 to Banker et al. (Banker '391) in view of U.S. Patent 4,686,564 to Masuko et al. (Masuko) and U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364).

Regarding claim 17, Banker '276 is silent on waiting for a time out period to determine if a cancel order has been received, if it is received in the time out period, then generating and transmitting a deauthorization signal, wherein the deauthorization signal removes access to a previously authorized signal. Masuko teaches canceling a program without incurring a charge, wherein the time out feature is effective for a time after the start (col. 18, ll. 23-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by permitting the user to cancel after the start of the programming as taught by Masuko in order to provide for a more friendly user interface and system. Banker '276 and Masuko are silent on transmitting a deauthorization signal, wherein the deauthorization signal removes a previously authorized signal. Hendricks '364 teaches transmitting a deauthorization signal, wherein the deauthorization signal removes a previously authorized signal (col. 27, ll. 35-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Masuko by transmitting a deauthorization signal, wherein the deauthorization signal removes a previously authorized signal as taught by Hendricks '364 in order to prevent unauthorized viewing of programming by the user.

11. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon), U.S. Patent Application Publication to Boyer et al. (Boyer), and U.S. Patent

5,317,391 to Banker et al. (Banker '391) in view of U.S. Patent 5,539,450 to Handelman.

Regarding claim 18, Banker '276 teaches billing the user (col. 4, ll. 40-57), but Banker '276 and Banker '391 are silent on debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal. Handelman teaches a smart card containing the subscriber accounting data (col. 14, ll. 44-47), wherein Handelman teaches debiting the user account (col. 22-23, ll. 54-11, see also fig. 25) by a signal transmitted to the receiver (col. 21-22, ll. 66-13), which equates to debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Banker '391 by debiting a cash card included in a terminal, and sending a debit signal corresponding to the record to the terminal as taught by Handelman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 19, Banker '276 teaches billing the user (col. 4, ll. 40-57), but Banker '276 and Banker '391 are silent on a cash card part of a smart card. Handelman teaches a cash card part of a smart card (col. 14, ll. 44-47, col. 22-23, ll. 54-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 and Banker '391 by using a cash card part of a smart card as taught by Handelman in order to pay for services over the cable network thereby providing a simple interface to pay off debts.

Regarding claim 20, Banker '276 teaches a credit signal to a terminal upon receipt of payment from the subscriber (fig. 6B, figure A24, col. 11, ll. 2-22).

12. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon) and U.S. Patent Application Publication to Boyer et al. (Boyer) in view of U.S. Patent 5,659,350 to Hendricks et al. (Hendricks '350).

Regarding claim 39, Banker '276 teaches a headend controller (22) linked to the order and authorization system, whereas Banker '276 teaches controlling devices, Banker '276 is silent on a CPU performing these tasks. Hendricks '350 teaches the use of a CPU. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by using a CPU as taught by Hendricks '350 in order to enable the devices to be modified and adjusted.

13. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276) and U.S. Patent 6,058,424 to Dixon et al. (Dixon), and U.S. Patent Application Publication to Boyer et al. (Boyer) in view of U.S. Patent 5,600,364 to Hendricks et al. (Hendricks '364).

Regarding claim 42, Banker '276 and Dixon are silent on storing text transmitted from a cable headend or an operations center, wherein the text includes information on billing and account status. Hendricks '364 teaches storing text transmitted from a cable

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headend or an operations center, wherein the text includes information on billing and account status (col. 12-13, ll. 65-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker '276 by storing text transmitted from a cable headend or an operations center, wherein the text includes information on billing and account status as taught by Hendricks in order to provide additional information to the user thereby to provide a more friendly user-environment.

14. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,357,276 to Banker et al. (Banker '276), U.S. Patent 6,058,424 to Dixon et al. (Dixon) and U.S. Patent Application Publication to Boyer et al. (Boyer) in view of U.S. Patent 5,844,552 to Gaughan et al. (Gaughan).

Regarding claim 48, the combination of Banker '276, Dixon, and Boyer teach an internet electronic program guide, but is silent on the set top terminal capable of displaying the internet information in at least a picture-in-picture format so that the broadcast program can be simultaneously displayed. In analogous art, Gaughan teaches displaying and swapping Internet content with television broadcast content (col. 4-5, ll. 43-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Internet program guide of Banker '276, Dixon, and Boyer by displaying the internet information in at least a picture-in-picture format so that the broadcast program can be simultaneously displayed as taught by Gaughan in order to efficiently display information from different sources to the user.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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